

20th
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see as

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN RICHARD JAE,	:	CIVIL NO. 1:00-CV-2123
	:	
Plaintiff	:	(Judge Rambo)
	:	
v.	:	(Magistrate Judge Smyser)
	:	
SUPERINTENDENT DRAGOVICH,	:	
OFFICER VALENTINE,	:	
OFFICER ZIMMERMAN,	:	
OFFICER TAYLOR,	:	
OFFICER NOVAK,	:	
OFFICER NEY, and	:	
OFFICER SWIFT,	:	
	:	
Defendants	:	

FILED
HARRISBURG, PA

APR 16 2001

MARY E. D'ANDREA, CLERK
PER g/k DEPUTY CLERK

ORDER

On December 7, 2000, the plaintiff commenced this 42 U.S.C. § 1983 action by filing a complaint. On February 1, 2001, the plaintiff filed an amended complaint.

On March 6, 2000, the defendants filed a motion to dismiss the complaint. The plaintiff has not filed a brief in opposition to the motion to dismiss as required by Local Rule 7.6, Rules of Court, M.D. Pa.

By an Order dated April 12, 2001, we ordered the plaintiff to file a brief in opposition to the motion to

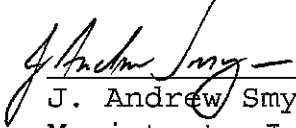
dismiss on or before April 27, 2001. The Order afforded notice to the plaintiff that if he did not file a brief in opposition on or before April 27, 2001, a recommendation to the Court might be made that the action be dismissed pursuant to Fed.R.Civ.P. 41(b).

On April 13, 2001, we received the plaintiff's motion for a forty-five day extension of time to file a brief in opposition to the defendants' motion to dismiss. Although the plaintiff's motion for an extension of time was filed on April 11, 2001, it was not in the file or on the docket when we prepared the April 12, 2001 Order.

The Order of April 12, 2001 will be vacated and the plaintiff's motion for a forty-five day extension of time will be granted.

IT IS ORDERED that the Order of April 12, 2001 is **VACATED**. **IT IS FURTHER ORDERED** that the plaintiff's motion (doc. 18) for an extension of time to respond to the defendants' motion to dismiss is **GRANTED**. The plaintiff shall

file a brief in opposition to the motion to dismiss on or
before May 29, 2001.



J. Andrew Smyser
Magistrate Judge

Dated: April 16, 2001.

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

* * MAILING CERTIFICATE OF CLERK * *

April 16, 2001

Re: 1:00-cv-02123 Jae v. Dragovich

True and correct copies of the attached were mailed by the clerk
to the following:

John Richard Jae
SCI-GREENE
#BQ-3219
175 Progress Drive
Waynesburg, PA 15370

Michael L. Harvey, Esq.
Office of Attorney General
Strawberry Square
15th Floor
Harrisburg, PA 17120

cc: Judge ()
Magistrate Judge ()
U.S. Marshal ()
Probation ()
U.S. Attorney ()
Atty. for Deft. ()
Defendant ()
Warden ()
Bureau of Prisons ()
Ct Reporter ()
Ctroom Deputy ()
Orig-Security ()
Federal Public Defender ()
Summons Issued ()
Standard Order 93-5 ()
Order to Show Cause ()
Bankruptcy Court ()
Other ()

() Pro Se Law Clerk
() INS
() Jury Clerk

() with N/C attached to complt. and served by:
U.S. Marshal () Pltf's Attorney ()

() with Petition attached & mailed certified mail
to: US Atty Gen () PA Atty Gen ()
DA of County () Respondents ()

MARY E. D'ANDREA, Clerk

DATE:

4/16/01

BY:

Deputy Clerk